IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Appellate Side

Writ Petition 8766 of 2005

Mrs Bapay Naval Lawyer ..Petitioner
vs
State of Mah and ors..Respondents

Mr. R.M.Nakhawa for petitioner
Mr.D.A.Patil AGP for respondent nos.l and 2
Ms S M Dandekar for respondent no. 3

CORAM: S.U.KAMDAR J.

Dated 2l.l2.2005

P.C:

. The present petition is challenging the order dated 2l.ll.2005 passed by the trial court recalling the issue of jurisdiction as preliminary issue. The issue of jurisdiction is raised in the light of prayer (b) of the plaint at page 52 of the petition which is bracketed in red and prayer (c-l). The learned counsel for the petitioner states that as far as prayer (c-l) is concerned he has already filed purshis before the trial court on 4.l2.2003 giving up that prayer as well as portion of prayer (b) which is bracketed in red.In that light of the matter issue of jurisdiction does not survive any further. The trial court is directed to decide the matter on merits. However, it will be open to the trial court that if objection is raised about the jurisdiction in respect of the

remaining prayers or any other ground except the ground that the matter must go to the revenue authority in view of prayer clause (c-l) which issue will be determined by the trial court at the hearing of the suit . Petition is disposed of accordingly with no order as to costs.